

H.R. 1401, the “Rail and Public Transportation Security Act of 2007”

Fact Sheet and Section by Section

Summary (3/9/07)

H.R. 1401, the “Rail and Public Transportation Security Act of 2007,” fulfills the recommendations made in *Detour Ahead: Critical Vulnerabilities in America’s Rail and Mass Transit Security Programs*, a report issued by Democrats on the Homeland Security Committee in June 2006. The bill takes the following steps to protect rail and public transportation systems:

Requires a National Rail and Public Transportation Security Plan

This national plan, which will be a supplement to the existing National Strategy for Transportation Security, will (1) clarify roles and responsibilities of federal, state, and local agencies in securing rail and public transportation systems; (2) strengthen intelligence sharing, (3) lay out plans for public outreach and education initiatives; (4) create a framework for resuming operations in the event of an attack; (5) include a strategy and timeline for research and development of new security technologies; (6) describe lessons learned from past attacks.

Requires Assignment of Providers of Covered Transportation to Risk-Based Tiers

This section requires the Secretary to assign each provider of covered transportation to a risk based tier. Two of the required tiers established by the secretary must be a high and medium risk tier.

Requires Rail and Public Transportation Systems to Submit Vulnerability Assessments and Security Plans to the Department of Homeland Security for Approval

Modeled after the vulnerability assessments and security plans that ports already have to submit under current law, these provisions will ensure that rail and public transportation systems adequately evaluate their risks and vulnerabilities and are taking steps to address any security weaknesses. The Secretary must approve or disapprove each vulnerability assessment and security plan for systems placed in high and medium-risk tiers. Vulnerability assessments and security plans must be reviewed and updated at least every five years.

Penalties

Gives the Secretary the authority to issue administrative, civil, and criminal penalties for violations of this act.

Intelligence Sharing Plan

Requires the Department, in consultation with the Department of Transportation, to issue a rail and public transportation strategic information sharing plan to strengthen the intelligence updates provided to federal, state, and local agencies, and appropriate stakeholders.

Grant Programs

Authorizes \$600 million per a year for FY08-FY11 for a grant program dedicated to rail security. Authorizes a total of \$ 3.36 billion over fiscal years FY08-FY-11 for a grant program dedicated to public transportation security. Authorizes \$12 million for FY08 and \$25 million per year for FY09-FY11 for a grant program dedicated to over-the-road bus security. These grants will be given out based on priorities established by DHS. There is a matching requirement for rail security grants, but no matching requirement for public transportation and over-the-road security grants.

Fire and Life Safety Improvements

Authorizes \$140 million in grants in FY 2008-2011 to Amtrak to improve tunnels in the Northeast corridor.

Training Programs

Requires rail and public transportation systems to train their employees on how to prevent, prepare for, and respond to a terrorist attack.

Exercise Programs

Establishes a Rail and Public Transportation Security Exercise Program to test the preparedness of rail and public transportation systems for a terrorist attack, including transportation at international land borders.

Research and Development

Authorizes \$200 million over the next 4 years for advanced research and development that will find solutions to the security threats faced by rail and public transportation systems.

Whistleblower Protections

Provides protections from retaliation for employees of DHS, DOT, and rail and public transportation employees who report security risks or violations.

Increase in Rail Security Inspectors

Requires that DHS increase the number of full time surface transportation inspectors to 600 by 2010. There are only 100 rail security inspectors at the present time.

National Domestic Preparedness Consortium

The National Domestic Preparedness Consortium (NDPC) is the principal vehicle through which the Department identifies, develops, tests, and delivers training to state and local emergency responders.

Authorization of Visible Intermodal Protection Response Teams (VIPR)

Authorizes TSA VIPR program to provide teams of responders from transportation security inspectors, canine teams, and federal air marshals to provide surge capacity in the event of an attack to support local first responders.

National Transportation Security Center of Excellence

The section creates a national transportation security center of excellence at an institution of higher education. At least two of the consortium colleges and universities will be a minority serving institution, even if the lead college or university is a minority serving institution

TSA Personnel Limitations

Any statutory limitation on the number of Transportation Security Administration employees shall not apply to employees implementing this bill.

Homeland Security Grants

All grants distributed for security-related purposes shall be administered on the basis of risk by the Secretary as the lead Federal official on transportation security.

Threat Assessment Screening

Implements a threat assessment screening program, including name-based checks against terrorist watch lists and immigration status check, for all employees of covered transportation.

Background Checks

Establishes guidelines for background checks, including a system of redress for employees who believe they have been wrongly fired based on the results of the background check.

Penalties

This section provides the Transportation Security Administration with general administrative, civil, and criminal penalty authority. TSA already possesses specific authority to enforce aviation security measures under 49 USC 46301, but lacks such authority in other modes of transportation.